

### **Remarks/Arguments**

The Examiner is thanked for the careful review of this Application. Claims 1-20 are pending after entry of the present Amendment. Amendments were made to claims to correct typographical errors and to better define the claimed invention. The amendments do not introduce new matter.

### **Rejections under 35 U.S.C. § 102:**

The Office has maintained rejection of claims 1-20 under 35 U.S.C. section 102(b) as being anticipated by RFC 1889-RTP: A Transport Protocol for Real-Time Applications, January 1996 (hereinafter RFC 1889). The Applicants respectfully traverse the Office's interpretations for at least the following reasons.

The Applicants disagree with the Office's rejections of the Applicants' interpretation that RFC 1889 fails to disclose each and every feature of the claimed invention, as defined in amended independent claims 1, 8, and 13. Specifically, the Office has rejected the Applicants' interpretation that RFC 1889 fails to disclose the transport-independent tasks module and connector module of the claimed invention. In rejecting the Applicants' interpretation, the Office has stated:

Applicant argues that specific component of the transport-independent tasks module and connector module are not shown in RFC 1889. Applicant is reminded that RFC 1889 is an Internet standard and not a patent or other type of publication. [Emphasis added.]

The Applicants respectfully traverse the Office's interpretation, as whether the RFC 1889 is a publication, a patent, in public use, or on sale, is immaterial. Rather, to establish anticipation under 35 U.S.C. section 102(b), the invention has to have been patented, described in a printed publication in this or a foreign country, or in public use or on sale in this country, more than one year prior to the date of application for patent in the U.S., none of which has been established with respect to the claimed invention

If the RFC 1889 has been considered as a publication by the Office, it has been the Applicants' interpretation, as provided in the previously filed Amendments, that the RFC 1889, fails to disclose each and every feature of the claimed invention. Having read the Office Actions, the Applicants still cannot determine the specific components the Office has interpreted to be the transport-independent tasks module and the connector module of the claimed invention. For instance, citing to section 10 of RFC 1889, the Office has interpreted

that RFC 1889 discloses the connector module of the claimed invention. The Applicants respectfully disagree. The Applicants submit that section 10 as well as each of the other sections cited by the Office includes several components, none of which provides the features of the transport-independent tasks module or connector module of the claimed invention.

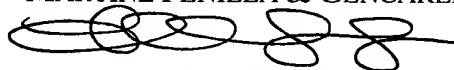
Alternatively, if it has been the Office's interpretation that the claimed invention has been in use by others or on sale as a part of the Internet Protocol RFC 1889, it is the Applicants' interpretation that among other features, the Internet Protocol RFC 1889 does not include the connector module of the claimed invention. The Applicants submit that aside from conclusory statements, the Office has not provided any support or showing for the Office's interpretation that the connector module of the claimed invention has been in public use or on sale as a part of the Internet protocol RFC 1889.

Additionally, in the claimed invention, the connector module can be implemented to adapt the RTP stack to a second underlying transport layer that has a different type. Furthermore, the transport independent tasks module of claim 1 is configured to communicate with the modified connector module in the same manner as the connector module. However, neither the Internet protocol RFC 1889 nor the RFC 1889, as a publication, discloses such features.

Accordingly, amended independent claims 1, 8, and 13, and respective dependent claims are respectfully submitted to be patentable under 35 U.S.C. § 102(b) over RFC 1889. As such, the Applicants respectfully request that the § 102 (b) rejections of the claims be withdrawn.

In view of the foregoing, the Applicants respectfully request reconsideration and reexamination of claims 1-20, and submit that all of the pending claims are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6913. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP025). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
MARTINE PENILLA & GENCARELLA, LLP



Fariba Yadegar-Bandari, Esq.  
Reg. No. 53,805

710 Lakeway Drive, Suite 200  
Sunnyvale, CA 94085  
Telephone (408) 774-6913  
Facsimile (408) 749-6901  
**Customer No. 32291**